

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**Case No. 2:19-cr-170**

**JUDGE EDMUND A. SARGUS, JR.**

**v.**

**KISHA C. HOLLINS-JOHNSON,**

**Defendant.**

**OPINION AND ORDER**

Currently pending before the Court is Defendant Kisha C. Hollins-Johnson's Motion for Compassionate Release, (ECF No. 52), as supplemented by counsel (ECF No. 59). The Government responded in opposition. (ECF No. 60). For the following reasons, the Court **DENIES** Ms. Hollins-Johnson's Motion for Compassionate Release (ECF No. 52), as supplemented (ECF No. 59).

**I.**

On September 9, 2019, Ms. Hollins-Johnson pleaded guilty to Conspiracy to Commit Student Loan Fraud and Theft of Government Funds (18 U.S.C. § 371), Student Loan Fraud (20 U.S.C. § 1097(a)), Making a False Statement to the Department of Housing and Urban Development (18 U.S.C. § 1010), Witness Tampering (18 U.S.C. § 1512(b)(3)), and two counts of Theft of Government Money (18 U.S.C. § 641). (ECF Nos. 1, 13). On March 5, 2020, this Court sentenced Ms. Hollins-Johnson to a total of 28 months imprisonment. (ECF No. 23). Additionally, this Court sentenced Ms. Hollins-Johnson to a total of 3 years of supervised release. (*Id.*). Defendant was not initially given a specific surrender date.

After extending Ms. Hollins-Johnson's self-surrender date several times due to the

Coronavirus Pandemic, Defendant was to self-surrender on January 5, 2021. On January 20, 2021, the U.S. Marshals Service returned an executed arrest warrant for Ms. Hollins-Johnson. (ECF No. 47). Ms. Hollins-Johnson is currently in the custody of the U.S. Marshals Service and is awaiting trial in *United States v. Kisha Hollins-Johnson*, Case No. 2:21-cr-54.

## II.

Ms. Hollins-Johnson moves for compassionate release. Specifically, she requests that the Court “modify the terms of Ms. Hollins-Johnson’s current status to again awaiting self-surrender status with an appropriate, probation-approved release plan until such time as the companion matter is resolved.” (Supp. Mot. at 2, ECF No. 59). Ms. Hollins-Johnson submits that this Court has the authority to do so under the First Step Act, and specifically 18 U.S.C. § 3582(c)(1)(A)(i). (*Id.* at 4). The Government responds that the motion should be denied because Ms. Hollins-Johnson is not in Bureau of Prisons custody and has not met the preconditions for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)(i).

Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i):

The court may not modify a term of imprisonment once it has been imposed except that—(1) in any case—(A) the court, upon motion of the Director of the Bureau of prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendants’ facility, whichever is earlier, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

- (i) extraordinary and compelling reasons warrant such a reduction . . . and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

18 U.S.C. § 3582(c)(1)(A)(i). The Court agrees with the Government that Ms. Hollins-Johnson has not satisfied the preconditions for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)(i).

Ms. Hollins-Johnson has not identified any other source of authority.

**III.**

For the reasons stated above, the Court **DENIES** Defendant Kisha C. Hollins-Johnson's Motion for Compassionate Release, (ECF No. 52), as supplemented (ECF No. 59).

**IT IS SO ORDERED.**

**5/28/2021**  
**DATE**

**s/Edmund A. Sargus, Jr.**  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**